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**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA**

MARLA LYNN SWANSON,
Plaintiff,

CASE NO. CV F 09-1507 LJO DLB

**ORDER TO SHOW CAUSE WHY
SANCTIONS SHOULD NOT BE IMPOSED**

vs.

EMC MORTGAGE CORPORATION, et al,
Defendants.

This Court’s October 29, 2009 order dismissed with prejudice this action against defendants EMC Mortgage Corporation (“EMC”) and Mortgage Electronic Registration Systems, Inc. (“MERS”). The clerk entered an October 29, 2009 judgment in favor of EMC and MERS and against plaintiff Marla Lynn Swanson (“Ms. Swanson”).

On October 30, 2009, Ms. Swanson, in contravention of the October 29, 2009 order and judgment, filed a first amended complaint to name EMC and MERS as defendants. As such, this Court ORDERS Ms. Swanson’s counsel, no later than November 9, 2009, to file and serve papers to show cause why this Court should not issue sanctions, including monetary sanctions, against Ms. Swanson and/or her counsel for attempting to pursue claims against dismissed EMC and MERS.

EMC and MERS need not respond to the first amended complaint in that they are no longer defendants in this action and judgment has been entered in their favor.

IT IS SO ORDERED.

1 **Dated: November 2, 2009**

/s/ Lawrence J. O'Neill
UNITED STATES DISTRICT JUDGE

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